

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA §
§
vs. § Criminal Case No. 4:08-CR-795
§
MISAO HIOKI §

UNOPPOSED EMERGENCY MOTION
FOR TEMPORARY STAY OF REPORTING

TO THE HONORABLE SIM LAKE, UNITED STATES DISTRICT JUDGE:

Misao Hioki, Defendant, by counsel, hereby requests an emergency temporary stay of sixty (60) days to report to the Bureau of Prisons and for grounds, states as follows:

On December 10, 2008, Mr. Hioki was sentenced by this Court for a period of incarceration of 24-months. On January 16, 2009, Mr. Hioki was notified by BOP to report to the detention center on January 20, 2009, to start serving his sentence. The facility is located over 40 miles from Angelo, TX and utilized primarily to house illegal aliens awaiting deportation. While Mr. Hioki is a Japanese national, he will be serving a 24-month sentence, which may be considerably longer than the transient detention population reflected at Eden. To hold Mr. Hioki in this facility will deny him of the amenities found at a federal correctional complex that would be more appropriate for the time of incarceration that Mr. Hioki will be serving.

Mr. Hioki earned a 5k.1 Motion for downward departure for his cooperation with the Government. It was stated at his sentencing by Government prosecutors that they plan to utilize Mr. Hioki's continued cooperation during incarceration. The location of Eden will make cooperation difficult going forward.

Mr. Hioki asks for a temporary stay of sixty (60) days in which to self-surrender in order to allow the Bureau of Prisons to redesignate him to a facility that would be more appropriate. Mr. Hioki has asked this Court to amend his Judgment of Conviction to reflect incarceration at the minimum-security satellite work camp at Lompoc Federal Correctional

Complex, Lompoc, CA. With the amended Judgment of Conviction, it is hoped that the Bureau of Prisons will consider this facility or another facility with greater suitability for the period of time Mr. Hioki is incarcerated and the convenience of counsel in his ongoing cooperation with the Government.

Co-Counsel, Chris Casamassima, has conferred with U.S. Department of Justice prosecutors and they are unopposed to this request.

WHEREFORE, Mr. Hioki herein requests that there be a temporary stay of self-surrender for 60 days until the Bureau of Prisons can reconsider the designation of the facility.

Respectfully submitted,

/s/ Philip H. Hilder

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Attorneys for Defendant Misao Hioki

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of January 2009, a true and correct copy of the above Emergency Motion was forwarded to all counsel of record via ECF, certified mail, return receipt requested, facsimile and/or hand delivery.

/s/ Philip H. Hilder
Philip H. Hilder

CERTIFICATE OF CONFERENCE

Counsel for Defendant Hioki, Chris Casamassima, has conferred with U.S. Department of Justice prosecutor Brigham Cannon and he is unopposed to said motion.

/s/ Philip H. Hilder
Philip H. Hilder